

Introduced by Bernice Stern

ORDINANCE NO. 1700

No. 73-183

AN ORDINANCE implementing the State Environmental Policy Act in King County through the adoption of a county environmental policy and through the provision of procedures for determining and considering the environmental impact of actions taken by the county.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. COUNTY ENVIRONMENTAL POLICY.

King County adopts as its own the policies and objectives of the State Environmental Policy Act of 1971 (RCW 43.21C):

(a) The county, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansions, resource utilization and exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the county, in cooperation with federal, state and other local governments and in cooperation with other concerned public and private organizations, to use all practicable means and measures in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic and other requirements of present and future generations of Washington citizens.

1 (b) In order to carry out the policy set forth in this
2 ordinance, it is the continuing responsibility of the county to
3 use all practicable means, consistent with other essential consi-
4 derations of state and county policies, to improve and coordinate
5 plans, functions, programs, and resources to the end that the
6 state and its citizens may:

- 7 (1) Fulfill the responsibilities of each genera-
8 tion as trustee of the environment for suc-
9 ceeding generations;
10 (2) Assure for all people of Washington safe,
11 healthful, productive, and esthetically and
12 culturally pleasing surroundings;
13 (3) Attain the widest range of beneficial uses of
14 the environment without degradation, risk to
15 health or safety, or other undesirable and
16 unintended consequences;
17 (4) Preserve important historic, cultural, and
18 natural aspects of our national heritage;
19 (5) Maintain, wherever possible, an environment
20 which supports diversity and variety of
21 individual choice;
22 (6) Achieve a balance between population and
23 resource use which will permit high standards
24 of living and a wide sharing of life's
25 amenities; and
26 (7) Enhance the quality of renewable resources and
27 approach the maximum attainable recycling of
28 depletable resources.

29 (c) The county recognizes that each person has a funda-
30 mental and inalienable right to a healthful environment and that
31 each person has a responsibility to contribute to the preservation
32 and enhancement of the environment.
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1 (d) To the fullest extent possible, the policies, regu-
2 lations and laws of the state of Washington and ordinānces of the
3 county shall be interpreted and administered in accordance with the
4 policies set forth in this ordinance.

5 (e) To the fullest extent possible, the county will
6 utilize a systematic, interdisciplinary approach which will insure
7 the integrated use of the natural and social sciences and the
8 environmental design arts in planning and in decision making which
9 may have an impact on man's environment.

10 (f) This ordinance sets forth methods and procedures
11 which will insure that presently unquantified environmental
12 amenities and values will be given appropriate consideration in
13 decision making along with economic and technical considerations.

14 (g) The policies and goals set forth in this ordin-
15 ance are supplementary to those set forth in existing author-
16 izations of the state and county.

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19 SECTION 2. DEFINITIONS.

20 (a) "County department" means any administrative office
21 or executive department of King County.

22 (b) "Lead agency" means the local, state or federal
23 agency which proposes to carry out the project or activity or,
24 where the project or activity is to be carried out by a private
25 person, the agency with the greatest responsibility for approving
26 or supervising the project or activity as a whole. In the case of
27 uncertainty as to which county department, if any, is the "lead
28 agency", the county executive shall promptly make the designation.

29 (c) "Responsible official" means the director or head of
30 a county department within which an action originates or is sub-
31 mitted for a necessary approval.

(d) "County executive" means the County Executive for King County described in Article 3 of the Home Rule Charter for King County, or his duly authorized designee.

(e) "Person" means an individual, partnership, corporation, trust, association, organization, cooperative or other member of the public. The term "person" does not include federal, state or local governments or the agencies of such governments.

(f) "Non-county agency" means any federal agency, state agency, municipal and public corporation, and county other than King County.

(g) "Actions which significantly affect the quality of the environment" mean those actions resulting in the existence of any of the conditions described in Section 5(a) of this ordinance or other actions resulting in comparable significant adverse effects on the quality of the environment.

SECTION 3. DETERMINATIONS OF ENVIRONMENTAL SIGNIFICANCE;
PREPARATION OF ENVIRONMENTAL IMPACT STATE-
MENTS; DECLARATIONS OF NO SIGNIFICANT IMPACT.

(a) The responsible official of each county department shall determine, as early as possible, subject to whatever review procedures the county executive shall establish, the environmental significance of any proposed major action by the department. Such determinations shall be made on either an action category basis, as provided for in Section 9 of this ordinance, or on an action by action basis. Actions within a class qualifying for categorical exemption under Section 9 do not require a further determination of significance under this section. In the case of applications by persons and non-county agencies, the responsible official shall make a determination of environmental significance within thirty (30) days of receipt of an adequate written application:

1 provided, that when the responsible official requires the comment
2 of non-county agencies in making his determination such comment
3 shall be sought immediately upon receipt of the application and
4 the responsible official shall have a maximum of thirty (30)
5 additional days, if necessary, to make the determination of
6 environmental significance. In the case of applications by
7 persons and non-county agencies where the applicant recommends in
8 writing that an environmental impact statement be prepared because
9 of the significant impact asserted and stated by the applicant,
10 the responsible official shall make a determination of signifi-
11 cance within fifteen (15) days of such recommendation.

12 (b) In the case of every proposed action determined by
13 the responsible official to be a major action significantly affect-
14 ing the quality of the environment, the responsible official shall
15 prepare a detailed environmental impact statement consistent with
16 this ordinance: Provided, that where a proposal is acted upon by
17 more than one county department or more than one unit of federal,
18 state or local government, two or more of such departments or
19 units of governments may agree to jointly prepare an environmental
20 impact statement; provided further, that where the responsible
21 official's department is not the lead agency for the proposed
22 action, he shall request the lead agency to prepare the environ-
23 mental impact statement and the responsible official shall
24 provide assistance in preparing the statement in his area of
25 jurisdiction and expertise. The responsible official or officials
26 shall publicly announce the decision to prepare an environmental
27 impact statement as soon as practicable after such decision is
28 made.

29 (c) When a county department is acting upon a proposed
30 action for which an adequate environmental impact statement has
31 previously been prepared by such county department or another
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1 county department or by a non-county agency pursuant to the
2 National Environmental Policy Act of 1969 or the State Environ-
3 mental Policy Act, the county department may utilize such state-
4 ment in its own review process for the proposed action currently
5 under consideration. The responsible official for the county
6 department may also supplement the impact statement with its own
7 further comments and the comments from other county departments.

8 (d) For actions other than those categories of actions
9 exempted in accordance with the provisions of Section 9 of this
10 ordinance, the responsible official of the lead agency shall for
11 each proposed major action prepare an environmental impact state-
12 ment or, where the action is determined not to be major or to
13 have no significant environmental impact, the responsible official
14 shall prepare a declaration of no significant impact in accord-
15 ance with the provisions of Section 8 of this ordinance.

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17 SECTION 4. PROPOSED ACTIONS REQUIRING A DETERMINATION
18 OF ENVIRONMENTAL SIGNIFICANCE.

19 The following actions, unless qualified for categorical
20 exemption under Section 9 of the ordinance, require a determinati
21 of environmental significance and, when such actions are major
22 and significantly affect the quality of the environment, they
23 require the preparation of an environmental impact statement:

24 (a) Recommendations or favorable reports relating to
25 county council legislation, including but not limited to amendme
26 of the zoning code, zoning reclassifications, planned unit devel
27 ments, plats, and unclassified use permits;

28 (b) Projects and activities directly undertaken by t
29 county or one of its departments, including but not limited to
30 capital improvement projects;
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1 (c) Permits, franchises, leases, and other entitlements
2 for use granted by the county for projects and activities of
3 substantial scope and magnitude undertaken by persons, non-
4 county agencies and the county.
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6 SECTION 5. CRITERIA FOR ACTIONS SIGNIFICANTLY AFFECT-
7 ING THE QUALITY OF THE ENVIRONMENT.

8 (a) Proposed actions where any of the following condi-
9 tions are found to exist may significantly affect the quality of
10 the environment:

- 11 (1) actions which result in substantial and long-
12 term increases in the existing level of air,
13 water or noise pollution in the vicinity of the
14 subject project or activity;
- 15 (2) actions which result in the destruction or im-
16 pairment of resources such as lakes, rivers,
17 streams, marine water, and other shorelines;
- 18 (3) actions which have a substantial adverse effect
19 on wildlife habitats, fish and wildlife, unique
20 and fragile vegetation;
- 21 (4) actions which cause a substantial change in the
22 type and intensity of land use, population dis-
23 tribution and public services and facilities in
24 the vicinity of the subject project or activity;
- 25 (5) actions which directly or indirectly cause the
26 relocation of a sizable number of persons;
- 27 (6) actions which are materially incompatible with
28 the county comprehensive plan and zoning code;
- 29 (7) actions which cause substantial harm to a public
30 park or other recognized area of public recrea-
31 tion or to an important historical or cultural
32 resource;
- 33 (8) actions which present a potential and serious
threat to the health or safety of the general
public;
- (9) actions which have serious adverse effects,
direct or indirect, upon numerous natural
resources.

(b) In determining whether an environmental impact statement should be prepared, the following considerations should be taken into account:

- (1) the overall, cumulative direct and indirect impact of the action proposed and of further actions contemplated as a result of this action;
- (2) the importance of the action in terms of precedent for action in much larger cases or for other foreseeable similar actions individually limited but cumulatively significant;
- (3) the conflicts of the action with adopted national, state, regional, or local plans or policies;
- (4) the possibility of reasonable and appropriate alternatives to the action that would have less adverse environmental impact.

SECTION 6. CONTENT OF ENVIRONMENTAL IMPACT STATEMENTS.

(a) The following points are to be covered, succinctly and in a form easily understood, in the environmental impact statements required by this ordinance:

- (1) Summary sheet: The statement shall contain at the beginning a brief summary sheet indicating whether the statement is a draft or final, the sponsoring agency, the type of proposed action, the review period for comments (if a draft statement), the agencies from whom comment is requested and, at the option of the responsible official, a brief summary of the environmental impact of the proposed action and the alternatives.
- (2) The proposed action: The statement shall contain a description of the proposed action or actions. In the case of specific projects, this statement shall include the name of the project and its location, a description of the project's physical characteristics, the objectives of the project, the cost and timing of the project, and the primary governmental approvals needed to carry out the project. When relevant, maps and other graphic descriptions should be provided.
- (3) Existing conditions: The statement shall contain a description of the conditions and features of the existing setting for the proposed action. The description shall include the natural and manmade elements of the area, with emphasis on the unusual aspects of the area. Legal, policy and institutional constraints relevant to the proposed action should be identified.

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- (4) Environmental impact: The statement shall contain an analysis of the reasonably foreseeable beneficial and adverse impacts of the proposed action on the environment. The analysis should include both direct and secondary significant consequences on the natural features of the area, on the various life forms, and on the human uses of the area. Both quantitative and qualitative information should be included. The amount of detail provided in this and other parts of the statement should be commensurate with the magnitude and expected impact of the action and with the amount of information required for the particular decision under consideration. The statement may refer to and incorporate by reference any recent studies, reports and other documents describing the environmental impact of the proposed action.
- (5) Any unavoidable adverse environmental effects: The statement shall include a brief section summarizing in one place any probable adverse environmental effects which cannot be reduced in severity or which can be reduced in severity but not eliminated. Measures which would have a mitigating influence on the adverse effects of the proposed action should be described, along with an explanation of the measures' effectiveness and the likelihood of their being implemented.
- (6) Alternatives to the proposed action: The statement shall include a description of appropriate and reasonable alternatives to the proposed action, whether or not all such alternatives lie within the department's authority. The kinds of alternatives described should include, where relevant, (a) the alternative of taking no action, (b) alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts, and (c) alternatives related to different designs or details of the proposed action, which would present different environmental impacts. The alternatives need not occupy a distinct section of the statement if they are otherwise adequately covered under the other points of the statement.
- (7) Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity: The statement shall include a brief description of the cumulative and long-term effects of the proposed action which narrow the range of future beneficial uses of the environment or pose long-term risks to health or safety. This section of the statement shall include, where appropriate, an analysis and assessment of the economic and technical benefits of the proposed action, together with an estimate of the costs of any delay in carrying out the proposed action or any alternative.

1 (8) Any irreversible and irretrievable commitments
2 of resources: The statement shall include a
3 description of the kind and quantity of resources
4 permanently committed, for the present and the
5 future, as a result of the proposed action.

6 (9) Comments of public agencies and the public;
7 studies and reports: The final impact state-
8 ment shall include a list of the agencies and
9 persons from whom comment was requested and
10 copies of the substantive written comments
11 received on the draft (or summaries thereof
12 where response has been exceptionally
13 voluminous). This section of the statement
14 should include a description of any public
15 participation in the planning of the proposed
16 action. The final statement should respond to
17 salient review comments either in the text of
18 the other sections of the statement or in this
19 comment section. In either this section or the
20 other relevant sections of the statement, the
21 major studies, reports and other documents used
22 in the preparation of the statement should be
23 cited.

24 (b) A single environmental impact statement prepared by
25 the county or a non-county agency shall cover more than one pro-
26 posed action when the responsible official determines that the
27 actions are related either geographically or as logical parts in a
28 chain of contemplated actions. A single environmental impact
29 statement can also be used to provide a thorough consideration of
30 impacts, alternatives, and policy questions common to actions
31 within the same program. When the responsible official so
32 determines, such statements can also be used to supplement impact
33 statements covering a single action.

24 (c) In the determination and consideration of environ-
25 mental impact in respect to a proposed action, the responsible
26 official may utilize the expertise of personnel in other county
27 departments and non-county agencies as well as their studies, tests
28 and other relevant information. The responsible official may also
29 arrange for contracts with consultants and other experts outside
30 of county government to assist him in the determination and con-
31 sideration of environmental impacts and in the preparation of
32 environmental impact statements.
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SECTION 7. DRAFT ENVIRONMENTAL IMPACT STATEMENTS;
PUBLIC ANNOUNCEMENT; PREPARATION TIME
LIMITS.

(a) Prior to making a final environmental impact statement, the responsible official of the applicable county department shall consult with and obtain the comments of any appropriate local, state or federal agencies which have jurisdiction by law or special expertise with respect to the environmental impact involved in the action and which respond within the reasonable comment period provided by this ordinance. Duplicative consultation shall be avoided. The responsible official shall also give persons affected by the proposed action an opportunity to comment on the draft statement in writing during the comment period when they so request in writing.

(b) Such consultation may be accomplished by circulating a draft environmental impact statement to the appropriate agencies for their review and comment. County departments seeking the comment of other agencies and persons on a draft statement shall allow a reasonable comment period of thirty (30) days for reply, after which it shall be presumed, unless a non-county agency or person consulted requests in writing and is granted a specified extension of time for good cause shown (not to exceed thirty (30) days), that the agency or person consulted has no comment to make.

(c) Agencies with jurisdiction by law with respect to any environmental impact involved in the proposed action include those agencies with responsibility for funding or implementing the action, agencies which are required by law to review or give their approval to the action or to some significant aspect of the action in order for the action to be implemented, and agencies which are authorized by law to develop and enforce environmental standards in respect to the action.

1 (d) The responsible official seeking comment shall
2 determine which agencies or persons are appropriate to consult on
3 the basis of their jurisdiction by law or special expertise.

4 (e) Public notification of a draft environmental impact
5 statement's availability during the review and comment period shall
6 be accomplished through an announcement to any news media of
7 general exposure in the area to be affected by the proposed action.
8 Draft environmental impact statements shall also be made available
9 for inspection by the public and, subject to reasonable fees to
10 cover reproduction costs, available for purchase.

11 (f) The responsible official shall prepare and file
12 the environmental impact statement expeditiously and as soon after
13 the determination of environmental significance as is feasible in
14 order to avoid undue delays in completing the review process for
15 the proposed action. In the case of applications by persons and
16 non-county agencies, the responsible official shall prepare and
17 circulate for comment a draft environmental impact statement
18 within thirty (30) days of receipt from the applicant of the
19 information requested pursuant to Section 11 of this ordinance;
20 the responsible official shall prepare and file the final environ-
21 mental impact statement within thirty (30) days of completion of
22 the draft comment period. For proposed actions that are unusually
23 large or significant in terms of magnitude or the area affected,
24 the responsible official may request a waiver by the person or
25 non-county agency applicant of the time periods set forth herein;
26 or the responsible official may apply to the county executive for an
27 extension of time, providing five days' notice to the applicant
28 and a copy of such request to the applicant, and the county execu-
29 tive, for good cause specified in writing by the responsible
30 official, may grant such extension in increments of thirty (30)
31 days. It shall not be considered "good cause" in the meaning of
32 this section merely to show that all agencies or persons consulted
33 have not responded or have asked for additional

1 time or that the responsible official has been unable to complete
2 the impact statement because of lack of personnel or funding.
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4 SECTION 8. DECLARATIONS OF NO SIGNIFICANT IMPACT.
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6 (a) The declaration of no significant impact is a written
7 record of the responsible official's determination that a specific
8 proposed action is not major or will have no significant effect on
9 the quality of the environment. The declaration shall contain a
10 brief summary of: the proposed action and the reasons for his
11 conclusion that the action is not major or does not have signifi-
12 cant impact. The declaration may be a separate document or a
13 separate and distinguishable part of a regular project report.

14 (b) The responsible official may but is not required to
15 circulate the declaration, for review and comment, to any appropri-
16 ate local, state or federal agencies with jurisdiction by law or
17 special expertise with respect to the environmental impact
18 involved. The declarations shall be made publicly available.

19 (c) The declaration may be based upon and incorporate
20 by reference other studies related to the proposed action,
21 including environmental impact statements or other declarations
22 prepared pursuant to the National Environmental Policy Act of
23 1969 and the State Environmental Policy Act of 1971.

24 SECTION 9. CATEGORICAL EXEMPTIONS.
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26 (a) Responsible officials shall request of the county
27 executive and county council a categorical exemption from the
28 requirement for a further determination of significance, the
29 preparation of an impact statement or the preparation of a
30 declaration of no significant impact in the case of action cate-
31 gories which the responsible official believes do not potentially
32 have a significant effect on the quality of the environment.
33 Actions that vary by name or technical identification, yet have

1 similar physical and socio-economic effects, can be grouped
2 together for purposes of establishing action categories.

3 (b) It is anticipated that categorical exemptions will
4 be determined appropriate for actions of the following nature:

- 5 (i) actions on permits or renewals of permits of
6 a routine nature;
7 (ii) actions consisting of the repair, maintenance
8 or minor alteration of existing public or
9 private structures, utilities, facilities or
10 mechanical equipment;
11 (iii) actions consisting of the construction and
12 location of single small structures and
13 facilities such as single family residences,
14 duplexes, apartments, stores and offices;
15 (iv) actions consisting of minor alterations in
16 the use of land such as variances and short
17 subdivisions;
18 (v) actions consisting of basic data collection
19 and research;
20 (vi) actions consisting of inspection and
21 enforcement; and
22 (vii) other similar actions.

23 Such exemptions shall be presented to and approved by the County
24 Council within one hundred thirty (130) days after enactment of
25 this ordinance. The exemptions approved shall take effect one
26 hundred thirty (130) days after enactment of this ordinance.

27 (c) A request for a categorical exemption shall
28 describe the action category, the nature of the impacts which
29 can be anticipated from any actions in such category, locations
30 or types of environments in which the exemption would not apply,
31 the measures or conditions which are routinely included as part
32 of the action by the department in order to avoid or mitigate any
33 potential environmental harm, the frequency of occurrence of

1 actions in this category, and the reasons for concluding that no
2 significant impact is anticipated from any actions in such
3 category.

4 (d) Prior to the request for a categorical exemption,
5 the responsible official shall consult with and obtain the comments
6 of any appropriate local, state or federal agencies with jurisdic-
7 tion by law or special expertise with respect to the environmental
8 impact involved in the action category. The request for a
9 categorical exemption shall also be made available to the public.
10 Consultation should seek suggestions as to any additional mitiga-
11 tion measures or conditions which should normally be included as
12 part of the action and seek identification of specific circumstances
13 which, if present, would cause the action to have a significant
14 effect upon the quality of the environment. The responsible
15 official requesting the categorical exemption shall review the
16 comments received from the agencies consulted and the public and
17 shall, when he deems it appropriate, revise the description of the
18 action category and the request for a categorical exemption.

19 (e) Based upon the request for a categorical exemption,
20 the consultation with appropriate agencies, the public input, and
21 the county executive's own review of the request, the county execu-
22 tive shall submit his recommendation to the county council, which
23 shall by ordinance grant or deny the request subject to whatever
24 modifications or qualifications the council deems necessary. The
25 county executive, on his own initiative or at the request of the
26 council, shall cause periodic review of the categorical exemptions
27 granted and may recommend to the council additions, deletions or
28 modifications of the exemptions.
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SECTION 10. USE OF IMPACT STATEMENTS IN REVIEW
PROCESSES OF COUNTY, EMERGENCIES.

(a) The responsible officials of each county department shall determine, subject to review of the county executive, at what stage in the development and review of a proposed action the determination of environmental significance will be made and an environmental impact statement prepared, if one is required. The proposal should be at a sufficient stage of contemplation or planning that its principal features can be reliably identified in terms of alternative locations, size, quantities and types of natural resources involved, changes in land use, and general areas of the community and population that may be affected. The consideration of environmental impact should begin at the earliest feasible time. To the maximum extent practicable no major decision on an action for which an environmental impact statement is required by the county is to be taken sooner than fifteen (15) days after the final environmental impact statement has been completed and made available to the county executive, the state department of ecology, the state ecological commission, and the public.

(b) When required to be prepared, the environmental impact statement or declaration of no significant impact shall accompany a proposed action through the existing review processes of the county. The responsible official and other county decision makers shall give appropriate consideration to the environmental impact statement or declaration of no significant impact, along with social, economic and technical considerations, in making a decision on the proposed action. As new information relating to the environmental impact of a proposed action is acquired, the responsible official may supplement the final environmental impact statement or declaration of no significant impact. If the responsible official determines that the nature of the proposed action has substantially changed from the time at which he prepared a final impact statement the responsible official may revise the

1 impact statement and, if he determines that it is necessary,
2 recirculate it to the appropriate agencies for their review and
3 comments. If a declaration of no significant impact was initially
4 prepared for a proposed action, the responsible official may at
5 any time in the review process determine that, due to a substantial
6 change in applicable law or regulations or in the nature of the
7 proposed action or due to a material failure by an applicant to
8 provide requested information, an environmental impact statement
9 shall be prepared to accompany the proposed action through the
10 remainder of the existing review processes of the county. Such
11 a redetermination of significance shall be subject to review by
12 the county executive, and in the case of actions involving
13 applications by private persons and non-county agencies the
14 applicant shall be given the opportunity to submit written
15 comment to the county executive.

16 (c) Where emergency circumstances make it necessary
17 to take immediate action with significant environmental impact,
18 the responsible official shall consult with the county executive
19 who shall have the power to approve of necessary alternative
20 arrangements which need not be subject to all the provisions of
21 this ordinance.

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23 SECTION 11. ENVIRONMENTAL INFORMATION REQUIRED FROM
24 APPLICANT.

25 Upon acceptance of any application for county action
26 filed by a person or non-county agency, the responsible official
27 may allow the applicant to provide an environmental assessment
28 of the proposed action and may require the information, studies
29 and tests reasonable and necessary to assist the responsible
30 official in making an analysis of the environmental impact of the
31 proposed action and an analysis of alternatives to the proposed
32 action. The responsible official shall not require information,
33 studies or tests which require an unreasonable expenditure of

1 money by the applicant in relation to the cost and nature of the
2 proposed project or activity. This requirement shall be uniformly
3 and fairly applied within the same categories of actions. The
4 applicant should be informed of the information which he will be
5 required to submit pursuant to this section at the time the
6 responsible official makes his determination of environmental
7 significance. The responsible official may refuse to process and
8 consider the application if the applicant fails to provide the
9 required information, but such refusal shall require the county
10 executive's review and approval after providing the applicant an
11 opportunity to submit written comment to the county executive.
12 The decision of the county executive shall be final unless,
13 within twenty (20) days of the county executive's written decision,
14 the applicant files an appeal with the board of appeals who
15 shall have the authority to hear and decide such appeal in
16 accordance with the same rules and procedures followed for
17 variances and conditional use permits under King County Code
18 Chapter 21.58. The county shall cooperate in making relevant
19 information available to the applicant.
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21 SECTION 12. COUNTY REVIEW OF ENVIRONMENTAL IMPACT
22 STATEMENTS PREPARED BY OTHER LOCAL, STATE
23 OR FEDERAL AGENCIES.

24 All requests by other local, state or federal agencies,
25 for consultation and comment by county departments with respect to
26 any environmental impact involved in the proposed actions of such
27 agencies shall be referred to the county executive. The county
28 executive shall provide for the distribution of the requests to
29 those county departments which the county executive determines
30 have jurisdiction by law or have special expertise with respect to
31 the environmental impact involved in the proposed action. The
32 review by county departments should not be duplicative.
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1 SECTION 13. NOTICE OF ACTION TAKEN.

2 Notice of any final action taken by the county in
3 respect to any project or activity of a private person which is a
4 major action significantly affecting the quality of the environ-
5 ment shall be published, at the private applicant's expense, in a
6 form approved by the county. Such publication shall be made on
7 the same day of each week for two consecutive weeks in a news-
8 paper of general circulation in the county.
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10 SECTION 14. JUDICIAL AND OTHER REVIEW.

11 (a) Any action to set aside, enjoin, review, or other-
12 wise challenge any action by the county with respect to projects
13 or activities of private persons which are determined to be major
14 actions significantly affecting the quality of the environment,
15 on grounds of noncompliance with the State Environmental Policy
16 Act or this ordinance, shall be commenced within sixty (60) days
17 from the final date of publication of the notice of action
18 provided in Section 13 of this ordinance, or be barred.
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20 (b) Any action to set aside, enjoin, review, or other-
21 wise challenge any other action by the county taken pursuant to
22 this ordinance, on the grounds of noncompliance with the State
23 Environmental Policy Act or this ordinance, shall be commenced
24 within the applicable time limits provided by state law or county
25 ordinance for appeals from decisions by the county or the county
26 board of appeals.

27 (c) In any action involving an attack on a determination
28 made by the county or a responsible official of the county relating
29 to the environmental significance of an action or category of
30 actions or relating to the adequacy of an environmental impact
31 statement, the determination by the county or a responsible
32 official of the county shall be accorded substantial weight.
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SECTION 15. FURTHER DEPARTMENTAL PROCEDURES;
REGULATIONS BY COUNTY EXECUTIVE.

(a) Each county department shall develop and present to the county executive for approval, within ninety (90) days of the effective date of this section, its own formal procedures to implement this ordinance. The procedures shall, among other things, provide the following:

- (1) identify the specific categories of departmental actions which may potentially have a significant effect on the quality of the environment so as to require an action by action determination of environmental significance and possibly the preparation of an environmental impact statement;
- (2) identify the specific categories of departmental actions which do not potentially have a significant effect on the quality of the environment and which the responsible official believes qualify for categorical exemption pursuant to Section 9 of this ordinance;
- (3) set forth checklists for each category of departmental actions identified in (1) above listing the full range of potential impacts involved in the typical action within such category;
- (4) describe the existing departmental or county-wide review and decision process for each category of departmental actions identified in (1) above and indicate precisely when in such review process a determination of environmental significance will be made, an environmental impact statement drafted, if one is required, other agencies and persons consulted, and a final environmental impact statement filed, if one is required;
- (5) identify the county departments and other local, state or federal agencies appropriate to consult in respect to the typical action within the categories of departmental actions identified in (1) and (2) above;
- (6) indicate the manner in which the public will participate in and be given timely information regarding actions with potentially significant environmental impact.
- (7) indicate changes or modifications in application forms and procedures and changes in the review process necessary to implement this ordinance.

1 (b) The county executive shall have authority to
2 approve, disapprove, or modify the procedures of county depart-
3 ments developed pursuant to this section to insure their consis-
4 tency with this ordinance and to make orders and regulations
5 relating to the implementation by county departments of the State
6 Environmental Policy Act and this ordinance. The orders and
7 regulations of the county executive to establish procedures for
8 the county executive's review functions pursuant to Section
9 3(a), Section 7(f), Section 10(b) and Section 11 of this ordinance
10 shall become effective only upon the county council's approval by
11 motion.

12 (c) Every county department shall maintain and periodi-
13 cally update a public master list indicating:

- 14 (1) actions for which a final environmental impact
15 statement has been published;
16 (2) actions for which an environmental impact
17 statement is in progress;
18 (3) actions for which a declaration of no signifi-
19 cant impact has been prepared; and
20 (4) actions for which a categorical exemption has
21 been approved.

22 (d) Every county department should periodically review
23 its own procedures and revise them as necessary to improve imple-
24 mentation of the State Environmental Policy Act. In addition,
25 each department should monitor the cost of preparing environmental
26 impact statements and the time required for decisions on actions
27 for which environmental impact statements are required, measured
28 from the time of original application or initiation to final
29 decision on the action.

30 SECTION 16. APPLICATION TO EXISTING ACTIONS.

31 To the maximum extent practicable, the requirements in
32 this ordinance relating to the preparation of environmental impact
33 statements or declarations of no significant impact should be
applied to proposed actions initiated prior to the effective date

1 of the complete ordinance where final county approval has not
 2 occurred prior to the effective date of the complete ordinance.
 3 In those cases where a declaration of no significance or an
 4 environmental impact statement is prepared pursuant to this
 5 ordinance, such declaration or statement shall accompany the
 6 action through the remainder of the existing review process.

7
 8 SECTION 17. SEVERABILITY.

9 If any provision of this ordinance or its application
 10 to any person or circumstance is declared unconstitutional or
 11 invalid for any reason, such decision shall not affect the
 12 validity of the remaining portions of this ordinance.

13 SECTION 18. EFFECTIVE DATE.

14 Sections 9, 13, 14 and 15 shall become effective ten (10)
 15 days after enactment of this ordinance. The remainder of the
 16 ordinance shall become effective one hundred thirty (130) days
 17 after its enactment.

18 INTRODUCED AND READ for the first time this 19th day
 19 of March, 1973.

20 PASSED this 18th day of June, 1973.

21 KING COUNTY COUNCIL
 22 KING COUNTY, WASHINGTON

23 John T. O'Brien
 24 CHAIRMAN

25 ATTEST:

26 Dorothy M. Owens
 27 Deputy Administrator-Clerk
 King County Council

28 APPROVED this 20th day of June, 1973.

29
 30
 31 Richard Spellman
 32 King County Executive
 33